

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

PULTE HOMES OF NEW MEXICO,  
INC., a Michigan corporation; PULTE  
DEVELOPMENT NEW MEXICO, INC., a  
Michigan corporation,

Plaintiffs,

v.

CINCINNATI INDEMNITY COMPANY,  
an Ohio corporation; THE CINCINNATI  
INSURANCE COMPANY, an Ohio  
corporation; THE CINCINNATI  
CASUALTY COMPANY, an Ohio  
corporation; HDI GLOBAL SPECIALTY SE  
fka INTERNATIONAL INSURANCE OF  
HANNOVER, a New York corporation;  
SENTINEL INSURANCE COMPANY,  
LTD, a Connecticut corporation;  
GUIDEONE NATIONAL INSURANCE  
COMPANY, an Iowa corporation;  
COLORADO CASUALTY COMPANY, a  
New Hampshire corporation; OHIO  
SECURITY INSURANCE COMPANY, a  
New Hampshire corporation; DONEGAL  
MUTUAL INSURANCE COMPANY fka  
MOUNTAIN STATES MUTUAL  
CASUALTY COMPANY, a Pennsylvania  
corporation; ACE AMERICAN  
INSURANCE COMPANY, a Pennsylvania  
corporation; FIRST MERCURY  
INSURANCE COMPANY, a Delaware  
corporation; CENTURY SURETY  
COMPANY, an Ohio corporation; UNITED  
SPECIALTY INSURANCE COMPANY, a  
Delaware corporation; GEMINI  
INSURANCE COMPANY, a Delaware  
corporation; PELEUS INSURANCE  
COMPANY, a Virginia corporation;  
AMERICAN HALLMARK INSURANCE  
COMPANY OF TEXAS, a Texas  
corporation; CENTRAL MUTUAL  
INSURANCE COMPANY, an Ohio

**CASE NO. 1:22-cv-00388-MV-SCY**

**STIPULATION TO DISMISS PLAINTIFFS'  
CLAIMS AGAINST DEFENDANT FIRST  
MERCURY INSURANCE COMPANY**

corporation; SOUTHERN INSURANCE COMPANY, a Texas corporation; NATIONAL FIRE INSURANCE COMPANY OF HARTFORD, an Illinois corporation; NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, a Pennsylvania corporation; STARR INDEMNITY & LIABILITY COMPANY, a Texas corporation; ENDURANCE AMERICAN INSURANCE COMPANY, a Delaware corporation; CLARENDON NATIONAL INSURANCE COMPANY, as successor in interest by way of merger with Sussex Insurance Company fka as Companion Property and Casualty Insurance Company, a Texas corporation; KNIGHT SPECIALTY INSURANCE COMPANY, a Delaware corporation; FEDERATED MUTUAL INSURANCE COMPANY, a Minnesota corporation,

Defendants.

AND RELATED COUNTERCLAIM

**STIPULATION TO DISMISS PLAINTIFFS' CLAIMS AGAINST DEFENDANT FIRST MERCURY INSURANCE COMPANY**

IT IS HEREBY STIPULATED by and between Plaintiffs PULTE HOMES OF NEW MEXICO, INC. and PULTE DEVELOPMENT NEW MEXICO, INC. ("Plaintiffs") and Defendant FIRST MERCURY INSURANCE COMPANY, by and through their respective attorneys of record, that Plaintiffs' claims against Defendant FIRST MERCURY INSURANCE COMPANY as asserted in Plaintiffs' Complaint (ECF 1) and any other claims that could have been asserted therein shall be dismissed without prejudice pursuant to FRCP 41(a)(1). Each party shall bear their own attorneys' fees and costs.

///

///

///

///

///

Dated: June 27, 2023

Respectfully submitted,

**RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.**

By /s/ Charles J. Vigil  
Charles J. Vigil  
P. O. Box 1888  
Albuquerque, NM 87103  
Telephone: (505) 765-5900  
FAX: (505) 768-7395  
cvigil@rodey.com  
Attorneys for Defendant First Mercury Insurance  
Company

**CHAMBERLIN & KEASTER LLP**

By /s/ Robert W. Keaster  
Robert W. Keaster  
15821 Ventura Boulevard, Suite 165  
Encino, California 91436-5208  
Telephone: (818) 385-1256  
FAX: (818) 385-1802  
rkeaster@ckllplaw.com  
Attorneys for Defendant First Mercury Insurance  
Company

**PAYNE & FEARS LLP**

By /s/ Sarah J. Odia  
Scott S. Thomas, Bar No. 21-275  
Sarah J. Odia, Bar No. 21-279  
4 Park Plaza, Suite 1100  
Irvine, California 92614  
Attorneys for Plaintiffs